

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 18, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04032

PROPOSAL: To revise the text of the Planned Unit Development District of the Lincoln Municipal Code 27.60.

CONCLUSION: The text revisions are in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

HISTORY:

On August 12, 2004 Planning Staff will present the text changes to the Neighborhood Roundtable.

On July 14, 2004 the Planning Department held a public meeting with representatives of the development community. Eleven people attended, consisting of attorneys, engineers, surveyors and site planners. They raised several questions and made suggestions which planning staff has attempted to address in this proposal and with upcoming text revisions in other sections of the Zoning Ordinance.

The Planned Unit Development text was added to the Zoning Ordinance July 27, 1984.

The Antelope Valley redevelopment was approved as part of the Comprehensive Plan to provide flood control, community revitalization and transportation improvements for the Antelope Creek drainage basin. A redevelopment plan is currently under review that encourages mixed use development and recommends special building design standards. It is anticipated that the proposed Planned Unit Development ordinance will be utilized to help implement the redevelopment plan.

Other developers intend to use the Planned Unit Development district once it is revised. One developer intends to submit a project in October using the new guidelines.

COMPREHENSIVE PLAN SPECIFICATIONS:

The core promise embedded in the Comprehensive Plan is to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideals and values as changes occur. The Comprehensive Plan is specific to Lincoln and Lancaster County and it recognizes the factors that make us unique. The Plan therefore is a combination of practicality and vision, and provides guidelines for sustaining the rich mosaic that now characterizes our community.

Lincoln and Lancaster County have many different components that are bound together physically, economically, and culturally, all within a prairie ecosystem. The One Community Vision commits us to proactively, but cooperatively, acknowledge the sometimes competing interests and needs of neighborhoods, small towns, and rural areas, our growing cultural diversity, and regional economic forces, as we address the future. This is the fundamental challenge for our Comprehensive Plan: to retain the characteristics of our individual parts while accommodating change within an increasingly interdependent world. As a decision-making tool, the Plan must accomplish both these tasks.

Lincoln and Lancaster County's easily accessible museums, rich architecture, historic places, sustainable neighborhoods, diverse housing opportunities, libraries, performing and visual arts, agricultural landscapes, trails, entertainment and recreational opportunities, and schools, are truly major assets that enhance the quality of life for all residents. Neighborhoods are also one of Lincoln and Lancaster County's great strengths and their conservation is fundamental to this plan. In addition we are increasingly a diverse community. However, access to our quality of life assets is impossible without adequate physical and technological infrastructure. The Plan acknowledges this fact, and commits us to use access to quality of life assets as a decision-making criterion.

Lincoln and Lancaster County must have a sustainable tax base to provide quality services to residents. The Comprehensive Plan recognizes that technological change and global economic forces have a direct impact on local employment and quality of life. For this reason, the Plan seeks to improve technological infrastructure, to maintain a healthy climate for locally owned and operated commerce and trade, to promote the recruitment of new companies, and to provide a variety of training and employment opportunities.

Clean air, clean water, parks and open space, mature trees, signature habitats, and prime and productive farmlands are valuable assets. Conservation areas, floodplains, green spaces, and parks define, and help to create linkages between, neighborhoods and surrounding population centers. The Comprehensive Plan takes into consideration the effects of natural phenomena not only upon localized development, but also upon the community as a whole, upon private ownership issues, and upon recreational opportunities. The Plan thus commits Lincoln and Lancaster County to preserve unique and sensitive habitats and endorses creative integration of natural systems into developments.

Although the Comprehensive Plan is intended primarily to guide the physical development of our community, the results of such development are ultimately felt by individuals and their families. The planning process aspires to make this interaction between people and their physical landscape one in which all facets of our community can prosper, not only economically, but also intellectually, aesthetically, and spiritually. The Comprehensive Plan seeks to accommodate and encourage the participation of all citizens of the city and county in the making of public policies to implement the visions of the community. Comprehensive planning is a continuous process, requiring a continuing, equitable, and frequent interaction between the governments and their constituencies. (V1-V2)

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F-17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (F-18)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (F-66)

The guiding principles for new neighborhoods include:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites). (F-67)

The guiding principles for existing neighborhoods include:

1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.
2. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).
4. Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.
5. Encourage retention of single family uses in order to maintain mix of housing.
6. Encourage historic preservation and the rehabilitation and maintenance of buildings.
7. Maintain small parks and open space within walking distance of all residences.
8. Support retention of public uses (elementary schools, churches) as centers of neighborhood – encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhood if properly screened.
9. Transit stops integrated into commercial center, near arterial.
10. Maintain existing pattern of streets.
11. Arterial streets compatible with the existing character with two through lanes and a center turn lane. (F-69)

These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance: The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive. Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged. Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers). Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas. Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development. Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking, buildings shall be oriented to pedestrians. Provide for transit opportunities in the center design. (F-48)

For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. (F-71-72)

In existing neighborhoods adjacent to the Downtown, retain existing **predominately single family blocks** in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. These existing neighborhoods have significantly greater populations and residential densities than the rest of the community. Significant intensification could be detrimental to the neighborhoods and be beyond infrastructure capacities. (F-73)

ANALYSIS:

1. The intent of the PUD District is to encourage a mixing of residential, commercial and industrial developments, to encourage creative design by allowing more flexibility in development standards, establishing use regulations, establishing procedures and requirements for the approval of Planned Unit Developments, providing for a method of review and approval by the Planning Commission and City Council and by providing a method of amending approved planned development.
2. The proposed revisions continue to meet the original intent of the district, but provide additional flexibility to applicants and simplify the amendment process within the Planning Department and Building and Safety Departments. In the past 20 years City Council has only approved 22 PUD's. This can be attributed to the districts restrictive and cumbersome process.
3. The following changes illustrate the primary differences between the old and new text.
 - a. Removes of the pre-application requirement and elimination of the 30-day staff review. This allows applications to be automatically scheduled for a Planning Commission hearing and recommendation to City Council. This is similar to the process already used for Community Unit Plan and Use Permit applications.
 - b. Eliminates the maximum allowed percentage of uses in each district. For example: under the present text, commercial uses are limited to 10% of residential district land area. The removal of this limitation provides more flexibility so that the applicant can pursue the objective of mixed use. The applicant still must demonstrate how the proposed PUD is appropriate and

compatible with existing land uses, and the City Council can impose appropriate requirements.

- c. Adds the ability for the Building Official to approve very minor deviations from the site plan by allowing “substantial” compliance with the approved development plan. This would only be used for deviations that do not have impacts on neighboring properties, such as the slight reconfiguration of a parking stall layout (either the addition or removal of a stall) or slightly moving an accessory building, such as a gazebo. This still requires development to maintain all setbacks and meet other minimum standards in the development codes. When the Building Official or Planning Department feel a deviation may have additional impacts, it would be deemed “not” in substantial compliance with the development plan.
 - d. Gives the Planning Director greater authority to approve internal changes, such as allow internal setbacks within an undeveloped area to be decreased administratively with no City Council action. Reductions still must be consistent with the intent and spirit of the Comprehensive Plan. Any reduction that Planning staff believes is “not” consistent with the Comprehensive Plan will require City Council action.
 - e. Allows the Planning Director to approve minor increases (up to 15%) in commercial floor area and dwelling units above the limits set in the original approval of the PUD. Presently with a use permit the Planning Director has the authority to approve minor increases in commercial floor area, this authority is proposed to be extended to PUDs. Minor increases in dwelling units is a new concept for our Ordinance. When density is a major issue, the City Council may add a condition restricting the Planning Director’s authority to increase density.
 - f. The proposed text places a substantial responsibility on the applicant to show potential impacts and mitigation. The standard is higher in areas that are already developed, meaning the Planning Department will expect complete applications which address all potential impacts and how the applicant proposes to treat sensitive areas.
4. Planning staff believes the revised text accomplishes the desire for thorough review and streamlined process for more flexibility, simplifies the amendment process, makes the text more consistent with other aspects of the Zoning Ordinance while maintaining the ability to uphold the spirit and intent of the Comprehensive Plan and protect existing neighborhoods.

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DATE: August 5, 2004

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04- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.60 of the Lincoln Municipal Code relating to the Planned Unit Development District by revising the statement of intent of the Planned Unit Development District; by amending Section 27.60.010 to revise the general purpose; by amending Section 27.60.020 to delete existing use regulations and to add general requirements and development plan requirements for planned unit developments; by renumbered Section 27.60.035 as 27.60.030 and amending the same to delete existing requirements regarding the form of a preliminary plan and to add requirements for the form of a final planned unit development; by amending Section 27.60.040 to delete existing requirements regarding preliminary plan procedures and to add a process for reviewing applications for a planned unit development; by adding a new section numbered 27.60.050 to provide requirements for a planned unit development following approval; by repealing Section 27.60.055 regarding final plan form; by repealing Section 27.60.056 regarding final plan procedure; by amending Section 27.60.060 to delete the existing language regarding amendment to planned unit developments and to add new requirements; by repealing Section 27.60.070 regarding abandonment or failure to proceed with development of a planned unit development; adding a new section numbered 27.60.080 to provide provisions regarding previously approved planned unit developments; and repealing the statement of intent of Chapter 27.60 and Sections 27.60.010, 27.60.020, 27.60.035, 27.60.040, and 27.60.060 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That the statement of the intent of Chapter 27.60 of the Lincoln

Municipal Code be amended to read as follows:

~~(The PUD planned unit development district is intended to permit private or public development or redevelopment of areas throughout the city which shall be substantially in accordance with goals and objectives of the comprehensive plan for the City of Lincoln. The proposed development shall provide a desirable environment and shall be harmonious with the general surrounding uses while permitting flexibility in overall development.)~~

The planned unit development district is intended to provide a mechanism to permit flexibility in private or public development or redevelopment of areas throughout the city in the form of an overlay zone used in combination with one or more of the city's existing zoning districts.

Section 2. That Section 27.60.010 of the Lincoln Municipal Code be amended to read as follows:

27.60.010 General Purpose.

~~The purpose of this chapter is to provide a mechanism for the approval of planned developments so as to permit private and public development or redevelopment of areas throughout the city in the form of an overlay zone intended to be used in combination with one or more of the city's existing zoning districts. Planned unit development districts are intended to promote the public convenience and necessity, protect the health, safety, and welfare, and are to be used when it is necessary or appropriate to:~~

- ~~(a) Permit flexibility in the regulation of land development;~~
- ~~(b) Encourage innovation in land use and variety in design, layout, and type of structures constructed;~~
- ~~(c) Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities;~~
- ~~(d) Encourage the preservation and provision of useful open space;~~
- ~~(e) Provide improved housing, employment, or shopping opportunities particularly suited to the needs of an area.~~

Planned unit development districts are intended to promote the public convenience and necessity, protect the health, safety, and welfare, to implement the goals and policies of the Comprehensive Plan and are to be used when it is necessary or appropriate to:

- (a) Permit flexibility in the regulation of land development;
- (b) Encourage innovation in land use, variety in design, layout, and type of construction;
- (c) Encourage the economy and efficiency in land use, natural resources, the provision of public services and utilities and the preservation of open space;

Section 3. That Section 27.60.020 of the Lincoln Municipal Code be amended to read as follows:

27.60.020 Use Regulations Requirements.

~~(a) General Planned Unit Development. The owner or owners of any tract of land which meets the minimum acreage requirements set forth in subsection 27.60.020(a)(1) below may apply for a general planned unit development designation in any zoning district except the AG Agriculture, the AGR Agricultural Residential, or the I-3 Employment Center Districts. Use regulations of the zoning district within which the general planned unit development is proposed shall apply except as specifically modified by the approval of different or additional uses by the City Council through the adoption of a development plan as hereinafter set forth. The development plan may propose, and the City Council may approve, any permitted, conditional, or special use permitted in the R-1 Residential District through the R-8 Residential District, or the B-1 Local Business District, or any permitted use, but not any permitted special use, permitted in the I-1 Industrial District; and, unless specifically modified by the city council as hereinafter set forth, the height and area, parking, and accessory use regulations applicable to such uses shall be those district regulations for districts within which such uses are permitted. If the planned unit development is located in a residential zoning district or districts, the average lot area per family within the general planned unit development shall not be less than the average lot area per family required for a community unit plan in such residential zoning district or districts. If the planned unit development is located in other than a residential zoning district, the average lot area per family shall not be less than that provided for in subsections 27.60.020(a)(2)(ii) and (a)(2)(iii). The maximum residential density of a planned unit development shall be determined in accordance with the community unit plan design standards adopted by resolution of the City Council. Planned unit developments which comply with housing for the handicapped, housing for the low income, and energy efficient housing standards adopted by resolution of the City Council may receive dwelling bonuses not to exceed a total of twenty percent (20%). Those uses which may be approved as a part of a general planned unit development that would not otherwise be permitted shall be compatible with adjacent land uses. The following conditions shall apply to a general planned unit development.~~

~~(1) Minimum District Size. Three acres.~~

~~(2) Use Regulations. For those land uses not otherwise permitted in the zoning districts for which the general planned unit development is proposed, the following shall apply:~~

~~(i) In residential districts:~~

~~A. In planned unit developments with a total land area of less than 160 acres, not more than ten percent (10%) of the total land area in a proposed development shall be devoted to commercial uses, and not more than ten percent (10%) of the total land area in the proposed development shall be devoted to industrial land uses; provided that in no case shall the combination of such nonresidential land uses exceed fifteen percent (15%) of the total land area within the proposed development. No one commercial use shall occupy more than 5,000 square feet of floor area.~~

~~B. In planned unit developments with a total land area of 160 acres or more, the maximum commercial floor area shall be one square foot of commercial floor area for every 50 square feet of total land area within the proposed development. The actual land area devoted to commercial uses may be increased to not more than fifteen percent (15%) of the total land area within the~~

~~development so long as the maximum commercial floor area as determined above is not exceeded. Alternately, the actual land area devoted to commercial uses may be reduced to less than ten percent (10%) of the total land area within the development without reducing the maximum commercial floor area so long as the ratio of commercial floor area to commercial land area is not greater than one to four.~~

~~—A single commercial use may occupy up to 15,000 square feet of floor area, so long as the aggregate amount of floor area exceeding 5,000 square feet for such commercial use shall not exceed twenty percent (20%) of the maximum commercial floor area.~~

~~—Not more than ten percent (10%) of the total land area in the proposed development shall be devoted to industrial land uses; provided, that in no case shall the combination of nonresidential land uses exceed fifteen percent (15%) of the total land area within the proposed development.~~

~~—C. For purposes of this subsection, "total land area" shall include existing public rights of way which abut the land included within the proposed development, up to the center lines thereof. Land area "devoted to" a use not otherwise permitted in the underlying zoning district shall include the actual building site, accessory parking, open space, and other land directly serving or related to such a use.~~

~~—(ii) In commercial districts, not more than forty percent (40%) of the total land area (as defined above) in the proposed district shall be utilized for residential or industrial land uses that would not otherwise be permitted. The maximum density at which residential development may take place shall not exceed that which would be allowed for an equal area developed as a community unit plan in an R-5 Residential District.~~

~~—(iii) In industrial districts, not more than ten percent (10%) of the land area may be used for residential or commercial land uses that would not otherwise be permitted. The maximum density at which residential development may take place shall not exceed that which would be allowed for an equal area developed as a community unit plan in an R-5 Residential District.~~

~~—(iv) The City Council shall require such landscaping, screening, traffic access, and setbacks as are necessary to protect and enhance neighboring areas within or adjacent to the planned unit development.~~

~~—(v) Transfer of Zoning. Where there is more than one underlying zoning district within the boundaries of a tract proposed as a general planned unit development, the council may approve the transfer of permitted uses of the underlying zoning, in equal proportion of total land area, to any part of the proposed tract where such transfer will promote the intent and purpose of this section.~~

~~—(vi) Area, Height, and Parking Requirements. The development plan shall specify parking, area, and height restrictions for the project as a whole or for subareas or components of the project as appropriate. The development plan shall specifically identify development proposals which are not in conformity with applicable standards and provide evidence supporting deviations from such standards. The City Council may impose alternate or additional standards or restrictions to achieve the intent of this ordinance. In making its determination regarding such standards or restrictions, the City Council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar development within the area of the proposal, and consistency with other adopted plans or standards.~~

~~—(b) Corporate Office Park Planned Unit Development. The owner or owners of any tract of land within the "future urban area" boundary as designated in the comprehensive plan and within two miles of any community or regional multi use center, may submit to the City Council a plan for the use and development of the land for a corporate office park planned unit development. In~~

~~addition to the conditions contained in other chapters of this title, the following conditions shall apply to the corporate office park planned unit development:~~

~~-(1) The distance between corporate office park planned unit developments, measured from lot line to lot line, shall be not less than 1,000 feet.~~

~~-(2) Minimum Size. Ten acres.~~

~~-(3) Maximum Total Building Floor Area Ratio (FAR). The maximum total building floor area ratio for all uses in the corporate office park planned unit development shall not exceed twenty-eight percent (28%) of the total land area included in the corporate office park planned unit development.~~

~~-(4) Maximum Total Building Floor Area. No corporate office park planned unit development shall contain more than 200,000 square feet of the 600,000 square feet of office space allocated to corporate office parks in the Comprehensive Plan. The City Council may approve, on a one to one ratio, the transfer of all or part of the unused office space from one approved B-5 Community Multi-use Center to a corporate office park planned unit development located within two miles of said community multi-use center. The request to transfer the unused office space from the B-5 Community Multi-use Center shall be accompanied by a request from the owner of the affected B-5 Community Multi-use center to amend the comprehensive plan to transfer unused designated office space from the B-5 Community Multi-use Center to the corporate office park planned unit development. The ordinance approving the transfer of such unused office space to the corporate office park planned unit development shall be conditioned upon approval of the comprehensive plan amendment. If applicable, the ordinance shall also be conditioned upon the owner of the B-5 Community Multi-use Center submitting a request to the Planning Director to amend an existing use permit for the affected B-5 Community Multi-use Center to reduce the amount of approved office space to the amount designated in the comprehensive plan as amended.~~

~~-(5) Minimum Tenant Space. Except for buildings whose total floor area is one hundred percent (100%) occupied by recreational facilities, motels and hotels, and child care centers, at least fifty percent (50%) of the total floor area of any building constructed within a corporate office park planned unit development shall at a minimum be occupied by the administrative offices of a single association, corporation, or similar organization. The balance of space in each building may be occupied by accessory uses or other permitted uses.~~

~~-(6) Permitted Uses. The corporate office park planned unit development shall be used for the administrative offices of associations, corporations, or other similar organizations, general purpose office uses not frequently or regularly used or visited by the general public or offices for manufacturer's agents, provided no manufacturing, handling, shipping, or exterior display of merchandise shall be permitted. No other uses shall be permitted.~~

~~-(7) Accessory Uses. Permitted accessory uses shall be incidental to the permitted uses and shall be limited to:~~

~~-(i) Parks, playgrounds, and community buildings, owned and operated by a public agency;~~

~~-(ii) Banks, savings and loan associations, credit unions, and finance companies;~~

~~-(iii) Barber shops, beauty parlors, and shoeshine shops;~~

~~-(iv) Child care centers;~~

~~-(v) Restaurants;~~

~~-(vi) Motels and hotels; and~~

~~-(vii) Recreational facilities.~~

~~Except for motels and hotels and child care centers, accessory uses shall not exceed fifteen percent (15%) of the total building floor area contained within the corporate office park planned~~

~~unit development.~~

~~Except for recreational facilities, motels and hotels, and child care centers, the total area occupied by an accessory use shall be located within a building whose total floor area is at least fifty percent (50%) occupied by the administrative offices of a single association, corporation, or similar organization.~~

~~(8) Design Standards. The corporate office park planned unit development shall comply with design standards for corporate office park planned unit developments established by resolution of the City Council.~~

~~(9) Parking. The corporate office park planned unit development shall provide one parking space for every 300 square feet of floor area. Parking is prohibited within the setback required by subsection 27.60.020(b)(11) below. Parking lots shall be constructed in accordance with Section 27.67.100 of the Lincoln Municipal Code.~~

~~(10) Street Trees. Street trees shall be provided on private property and shall comply with the design standards for street tree plantings as established by resolution of the City Council.~~

~~(11) Height and Area Regulations. The corporate office park planned unit development shall have a required setback of fifty feet along the entire length of the perimeter of the park. The maximum building height shall be eighty feet. However, if the building exceeds thirty feet in height, the minimum setback for the building only from any property line which abuts a residentially zoned property shall be increased by two feet for each one foot of building height over thirty feet. A property line which abuts an arterial street shall not be considered to abut residentially zoned property for purposes of this section.~~

~~(c) Public Facilities. The development plan for general and corporate office park planned unit developments shall specify the standards and installation schedule of necessary public facilities as required. The development plan shall address the impact and needs of the proposed development on existing and proposed street and utility systems. The City Council may impose conditions, restrictions, or standards as appropriate to achieve the intent of this ordinance, dedication of necessary rights of way, or easements. In making its determination regarding such conditions, restrictions, or standards, the council may consider the adequacy of existing or adjacent facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities, and the overall cost to the community.~~

~~(d) Signs.~~

~~(1) General planned unit developments shall be governed by Section 27.69.340 of the Lincoln Municipal Code.~~

~~(2) Corporate office park planned unit developments shall be governed by Section 27.69.085 of the Lincoln Municipal Code.~~

~~(e) Perimeter Treatment. Where any portion of the total land area of a land use is proposed to be adjacent to the perimeter and such land use is not permitted in the adjacent district, then the applicant must demonstrate how the proposal will mitigate any negative impacts. The City Council shall impose such other standards and requirements for perimeter treatment to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.~~

(a) General Requirements.

(1) The City or owners of any tract of land, at least three acres in size, may apply for a planned

unit development designation in any district except the AG Agriculture and AGR Agricultural Residential districts.

(2) All regulations of the underlying zoning district shall apply, except as provided herein and/or specifically modified by the City Council through the adoption of a development plan.

(3) The maximum residential density of a planned unit development shall be determined in accordance with the City of Lincoln Design Standards for community unit plans. Planned unit developments which comply with the City of Lincoln Design Standards for Density Bonuses may receive dwelling bonuses per those standards.

(4) Signs shall conform to Section 27.69.340, unless modified by the City Council.

(5) All development must meet the intent and spirit of the comprehensive plan.

(b) Development Plan Requirements.

(1) The applicant shall submit a development plan for the proposed planned unit development.

(2) The development plan may propose and the City Council may approve any permitted use, conditional permitted use, or special permitted use allowed under the zoning code. Notwithstanding any regulation to the contrary, a separate special permit or use permit is not necessary to permit any such use.

(3) The development plan may propose and the City Council may approve area, height, sign, parking, landscaping, screening, traffic access and setback regulations for the project as a whole or for subareas or components of the project different from those within the underlying zoning district. In making its determination regarding approval of such proposed standards or restrictions, the City Council shall consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the character and scale of similar development within the area of the proposal, and consistency with

other adopted plans or standards. The City Council may impose alternate or additional area, height, parking, landscaping, screening, traffic access, and setback regulations as necessary to protect and enhance areas within or adjacent to the planned unit development and to ensure compliance with the comprehensive plan and protect the health, safety, and general welfare.

(4) The development plan shall address the site-related impact and needs of the proposed development on existing and proposed street and utility systems. The City Council may impose conditions, restrictions, or standards as appropriate to achieve the intent of this ordinance, and require dedication of necessary rights-of-way or easements. In making its determination regarding such conditions, restrictions, or standards, the Council shall consider the adequacy of existing or adjacent facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities, and the overall cost to the community.

(5) Where any portion of the total land area of a land use within the planned unit development is purposed to be adjacent to the perimeter of the planned unit development and such land use is not permitted in the adjacent zoning district, then the development plan must address how the proposal will mitigate any negative impacts. The City Council may impose additional standards and requirements for perimeter treatment to protect adjoining properties from adverse effects, and to achieve an appropriate transition of land uses and densities.

(6) For planned unit developments proposed over parcels in substantially developed areas, the development plan must include appropriate standards and regulations to assure that new development or renovations are in the scale and character of the existing neighborhood and are sensitive to adjacent properties with respect to height, scale, use and form of the surrounding neighborhood, including, but not limited to the following; land uses (including limitations on

allowed uses), design standards for new construction (related to the scale and character of the surrounding neighborhood), height, parking, and setbacks, including both minimum and maximum setbacks.

Section 4. That Section 27.60.030 of the Lincoln Municipal Code be and the same is hereby repealed.

27.60.030 Pre-application Procedures and Requirements.

~~(a) The owner or owners of any tract of land proposed to be developed as a general or corporate office park planned unit development shall file a pre-application for such planned unit development designation with the Planning Director. The pre-application shall be in writing and shall include:~~

~~-(1) A letter of intent generally describing in narrative form the proposed development and its location, a brief discussion of the consistency or inconsistency of the proposed development with the comprehensive plan, and how the development will potentially impact the land surrounding the tracts for the proposed development and the community generally;~~

~~-(2) Sketch plans and land use arrangements showing proposed building types, uses and densities, traffic, and pedestrian circulation and access;~~

~~-(3) Preliminary proposals regarding water supply, sewerage, surface drainage, and street improvements;~~

~~-(4) For proposed corporate office park developments, a calculation of the building floor area ratio and calculation of the landscaped open space ratio. For purposes of this chapter, landscaped open space ratio shall mean the percent of an area devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials, and lakes, streams, and other natural features. Said calculations to be made in conformance with the design standards for corporate office park planned unit developments.~~

~~-(5) A request to waive the preliminary plan and reasons supporting the waiver should the developer desire to proceed directly to the final plan.~~

~~The Planning Director shall distribute copies of the application and all accompanying materials to other city departments and governmental agencies which are directly concerned or potentially affected by the proposed planned unit development. Within fifteen days from the filing of the pre-application, the Planning Director and representatives of those city departments and governmental agencies described above shall meet to review with the applicant the proposed planned unit development and make recommendations thereon. Within fifteen days after such meeting, the city departments and governmental agencies described above shall provide written recommendations to the Planning Director who shall, within fifteen days thereafter, prepare a written report to the applicant. Such report shall specify the Planning Director's recommendations regarding the conformity of the proposal to the comprehensive plan and shall recommend either approval, approval with revisions, or denial, as the case may be, and approval or denial of the request to waive the preliminary plan review.~~

~~(b) The Planning Director is authorized to approve a waiver of the preliminary plan provided the proposal is found to meet the following criteria:~~

~~-(1) The proposal is in substantial conformance to the comprehensive plan;~~

~~-(2) The existing or planned utilities and streets are adequate to serve the proposed development;~~

~~-(3) The proposal is in substantial conformance with the adopted design standards of the City of Lincoln.~~

~~In addition to finding that the proposal meets the above criteria, the Planning Director shall consider the following in reviewing a request for a waiver of the preliminary plan:~~

~~-(4) The size and phasing of the project;~~

~~-(5) The impact of the proposal on the surrounding neighborhood;~~

~~-(6) The degree of deviation from the allowed uses in the underlying zoning districts.~~

~~-(e) Upon receipt of the Planning Director's report, an applicant shall thereafter have one year within which to:~~

~~-(1) File a preliminary plan for approval of a planned unit development, or~~

~~-(2) File a final plan if the Planning Director has granted a waiver of the preliminary plan.~~

Section 5. That Section 27.60.035 of the Lincoln Municipal Code be renumbered as Section 27.60.030 and be amended to read as follows:

27.60.035 27.60.030 Preliminary Plan; Form.

~~The preliminary plan for a general or corporate office park planned unit development shall be in the following form and contain the following information:~~

~~-(a) A statement in narrative form generally describing the proposed development and its location, statement of the present zoning of the property and the zoning of the property surrounding the tract to be included within the planned unit development, a brief discussion of the consistency or inconsistency of the proposed development with the comprehensive plan, how the development will potentially impact the land surrounding the tracts included in the proposed development and the community generally; a discussion of adverse environmental effects of the project and proposed steps to minimize these effects and indicate where any portion of the proposal differs from regulatory or design requirements; and statements in support of deviations from regulations otherwise applicable to uses proposed within the development.~~

~~-(b) A plot plan which shall be accurately, clearly, and legibly drawn in sufficient size and scale to show the details of the plan clearly, and which shall contain the following:~~

~~-(1) A certificate for showing the Planning Commission's approval or disapproval, and a certificate for the City Clerk to show the approval by City Council;~~

~~-(2) Existing and proposed contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on a 100 foot grid shall be required to fully indicate the topography on flat land;~~

~~-(3) Location, name, tangent length, centerline radius of each curve and its interior angle and right of way and pavement width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the development;~~

~~-(4) Location and width of all existing and proposed easements for drainage, sewers, and other public utilities and, if appropriate, pedestrian and vehicular access easements;~~

~~-(5) Location, width, and direction of flow of all watercourses in and adjacent to the planned unit development, including the limits of the flood plain and floodway as defined in Chapter 27.55;~~

~~-(6) Location and size of all existing and proposed sanitary and storm sewers, culverts, watermains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;~~

- ~~(7) All lot lines, building setback lines and dimensions of all lot lines, setbacks, and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;~~
- ~~(8) Lot numbers shall begin with the number one and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;~~
- ~~(9) Proposed areas for parks and playgrounds. Any parcels other than streets which are dedicated or reserved for public use shall be clearly shown, and said parcels shall be designated as outlots and assigned an alphabetical designation;~~
- ~~(10) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;~~
- ~~(11) The location, floor area, number of dwelling units, and height of proposed and existing buildings with an indication as to whether an existing building is to be removed or to be retained;~~
- ~~(12) Vicinity map;~~
- ~~(13) Parking areas and capacity;~~
- ~~(14) Open space for residential uses and for required landscaping and screening;~~
- ~~(15) Use of buildings, such as retail, service, restaurant, office, residential, industrial, and other uses;~~
- ~~(16) Conceptual landscape plan;~~
- ~~(17) Location of proposed free standing signs;~~
- ~~(e) The following data shall be shown on each sheet of the planned unit development plot plan:~~
 - ~~(1) The name of the planned unit development;~~
 - ~~(2) The name, address, and telephone number of the person or company responsible for preparation of the plan;~~
 - ~~(3) North arrow, scale, date prepared, and location of section lines and section corners;~~
 - ~~(4) Sheet number and the total number of sheets comprising the planned unit development plot plan;~~
- ~~(d) Accompanying the plans, the following information shall be submitted to the Planning Department:~~
 - ~~(1) Name, address, and telephone number of developer;~~
 - ~~(2) Certified record owner or owners and their address;~~
 - ~~(3) Legal description of the proposed planned unit development, including the number of acres;~~
- ~~(e) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades, including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the planned unit development to be extended 300 feet beyond the limits of the planned unit development;~~
- ~~(f) A drainage study prepared in accordance with the current storm sewer design standards of the city on file with the City Clerk. The following items must be included in the drainage study:~~
 - ~~(1) A map showing the drainage area and resulting runoff from any land lying outside the limits of the planned unit development which discharges stormwater runoff to or through the planned unit development;~~
 - ~~(2) A map showing all internal drainage areas and resulting runoff;~~
 - ~~(3) Proposals as to how the computed quantities of runoff will be handled;~~
 - ~~(4) A copy of the drainage computations;~~
- ~~(g) A map or an aerial photograph showing the proposed streets, private roadways, driveways, parking areas, buildings, and lots which includes the location and identifies, by common name, all existing trees within the area of the planned unit development. Single trees which are three~~

~~inches in caliper or larger measured five feet above the ground must be shown. However, if five or more trees are located so that each is within ten feet of the edge of another tree, they will be considered a tree mass and the outline of the tree mass may be shown, with a list of the common names of the trees which are within the tree mass. If the above stated procedure is followed, the individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed.~~

~~(h) Environmental impact statement and market analysis. If any application for a planned unit development under the provisions of this chapter substantially deviates from the comprehensive plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis, which shall serve as a guide to the City Council and Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community.~~

~~(i) All deviations shall be fully set forth and reasons given for said deviations.~~

~~(j) Phased development plans. Each application for a planned unit development district shall include a phasing plan. Phasing is the development time schedule which specifies the order and timing of improvements and construction for specific portions of the project and the project as a whole.~~

~~Where an application proposes uses which are not contained in the use regulations of the underlying zoning district, the planned unit development shall contain phasing which ensures compatibility of the development with surrounding properties by constructing uses permitted in the underlying zoning district in not less than equal proportion to those uses not otherwise permitted.~~

~~(k) Additional information for corporate office park planned unit developments. Each application for a corporate office park planned unit development shall include in addition to the above required information:~~

~~(1) A recreational plan for corporate office park planned unit developments in conformance with city design standards.~~

~~(2) A site plan traffic impact analysis identifying any deficiencies in the existing street network that will arise from the proposed development.~~

~~(3) Calculation of the building floor area ratio in conformance with city design standards.~~

~~(4) Calculation of the landscaped open space ratio.~~

The development plan shall be in the form and contain the information required of a community unit plan or preliminary plat. Development standards which differ from the underlying district shall be shown on the development plan.

For planned unit developments in existing neighborhoods or over parcels already substantially developed, the Planning Director may allow a development plan not as detailed as the requirements for community unit plans or preliminary plats since the site is substantially developed and issues such as drainage and utility connections are not a primary concern.

However, the plan shall provide sufficient information to identify parcels included in the planned unit development, proposed land uses and design standards for buildings.

Section 6. That Section 27.60.040 of the Lincoln Municipal Code be amended to read as follows:

27.60.040 Preliminary Plan; Procedure.

~~Unless the preliminary plan review is waived, a preliminary plan shall be filed within one year of the Planning Director's letter. Upon filing of a preliminary plan, together with all maps, data, and information required, the application shall be presented to the Planning Commission. The Planning Commission shall hold a public hearing on such application and provide notice thereof in accordance with Section 27.81.050 of this code, and shall thereafter make a report to the City Council regarding the effect of the proposed planned unit development upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. The report of the Planning Commission to the City Council shall include reasons for recommending approval or denial of any application, and, if approval is recommended, shall find that the proposed planned unit development meets the following conditions:~~

~~(a) That the land surrounding the tracts for the proposed planned unit development will not be adversely affected;~~

~~(b) That the proposed planned unit development is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;~~

~~(c) That the buildings and land in the proposed planned unit development shall be used only for those purposes permitted by Section 27.60.020 of this chapter.~~

~~The City Council shall take no final action upon any application for a planned unit development under this preliminary plan until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event that there is a delay of more than 120 days from the Planning Commission's initial public hearing date on the part of the Planning Commission in reporting its recommendation to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.~~

~~Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the preliminary plan and require that certain conditions be fulfilled by the applicant in conjunction with approval of the planned unit development.~~

~~Approval of a preliminary plan shall be by resolution after public hearing, in accordance with the requirements of Section 27.81.050 of this code.~~

Upon filing of a development plan, together with all maps, data, and information required, the Planning Director shall distribute copies of the development plan and all accompanying materials to other city departments and governmental agencies which are directly concerned or

potentially affected by the proposed planned unit development. Within fifteen days from the filing of the development plan, representatives of those city departments and governmental agencies described above shall provide written recommendations to the Planning Director who shall, within fifteen days thereafter, prepare a written report to the Planning Commission. Such report shall specify the Planning Director's recommendations regarding the conformity of the proposal to the comprehensive plan and shall recommend either approval, approval with revisions, or denial, as the case may be. The Planning Commission shall hold a public hearing on such application and provide notice thereof in accordance with Section 27.81.050, and shall make a report to the City Council. The report to the City Council shall include the effect of the development plan upon the surrounding neighborhood, the community, and other matters relating to public health, safety, and general welfare, reasons for recommending approval or denial of the application and if approval is recommended shall find that the proposed planned unit development meets the following conditions:

- (a) The surrounding land will not be adversely affected;
- (b) The proposed planned unit development is consistent with the intent and purpose of this title to promote the public health, safety, and general welfare;
- (c) The buildings and land in the proposed planned unit development shall be used only for those purposes permitted by Section 27.60.020;
- (d) The development plan meets the requirements of Chapters 27.52 and 27.53 of the Lincoln Municipal Code.

The City Council shall not take final action upon any application for a planned unit development under this plan until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event that there is a delay of more than 60 days from the Planning

Commission's initial public hearing date on the part of the Planning Commission in reporting its recommendation to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.

Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the plan and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the planned unit development.

Approval of a development plan shall be by ordinance after public hearing, in accordance with the requirements of Section 27.81.050.

Section 7. That Chapter 27.60 of the Lincoln Municipal Code be amended by adding a new section numbered 27.60.050 to read as follows:

27.60.050 Requirements After Approval.

Upon approval of the development plan, the developer shall cause to be prepared and submitted to the Planning Department a revised final plot plan with all required amendments and revisions. Thereafter, building permits and certificates of occupancy shall be issued only upon a finding of substantial compliance with the approved planned unit development, or as amended, regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, type of dwelling unit, accessory uses and the fronting of lots upon public streets set forth elsewhere in this title and applying to the underlying zoning district(s) in which the planned unit development is located.

Section 8. That Section 27.60.055 of the Lincoln Municipal Code be and the same is hereby repealed:
27.60.055 Final Plan; Form.

~~The final plan application for a general or corporate office park planned unit development shall be in the same form as a preliminary plan, including the following:~~

~~(a) A certified, accurate boundary survey with sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the planned unit development. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lot shall be shown, and any differences in measurement noted. The total calculated acres within the boundaries of the planned unit development shall be shown;~~

~~(b) Buildings to be included in first phase construction shall include tenant occupancy, where known. A clear demonstration shall be made that proposed residential uses will be protected from adverse effects, such as traffic, air pollution, noise, and glare;~~

~~(c) Cross section for paving of parking lots, sidewalks, streets, private roadways, and driveways;~~

~~(d) A landscape plan in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings.~~

Section 9. That Section 27.60.056 of the Lincoln Municipal Code be and the same

is hereby repealed:

27.60.056 Final Plan; Procedure.

~~(a) Upon the City Council's approval of a preliminary plan or waiver of the preliminary plan by the Planning Director, an applicant shall have one year within which to file an application for a final plan. Any change of the underlying zoning district shall accompany the application. Should the applicant choose to subdivide the land in the planned unit development, a preliminary plat and the final plan for a planned unit development may be submitted at the same time and reviewed together.~~

~~Upon the filing of a final plan, together with all maps, data, and information required, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing on such application and provide notice thereof in accordance with Section 27.81.050 of this code, and shall thereafter make a report to the City Council regarding compliance with the approved preliminary plan.~~

~~The City Council shall take no final action upon any application for a planned unit development under this chapter until a report from the Planning Commission has been filed with the City Clerk; provided, that in the event there is a delay of more than 120 days from the date of referral on the part of the Planning Commission in reporting its recommendation to the City Council, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to submit a report no later than immediately after the commission's next regularly scheduled meeting.~~

~~Upon receipt of a report from the Planning Commission, the City Council shall proceed to give final consideration to the final plan and require that certain conditions be fulfilled by the applicant in conjunction with approval of the planned unit development, and may include the requirement that applicant grant additional right of way in accordance with the comprehensive plan. The council may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety. The installation of all public improvements shall be accomplished in compliance with existing city ordinances and design standards approved by resolution.~~

~~Should the final plan conform to the approved preliminary plan, the City Council shall approve~~

~~the final plan. Approval of a planned unit development shall be by ordinance after public hearing, in accordance with the requirements of Section 27.81.050 of this code. Following the City Council's approval, the final planned unit development shall be drawn on tracing cloth or Mylar and submitted to the Planning Department. The Planning Director shall certify the plan as approved by the City Council. The Planning Director shall assemble three packets including the approved drawings, the developer's narrative description, and the ordinance approving the planned unit development. One copy shall be kept on file in the offices of the City Clerk, Department of Building and Safety, and Planning Department.~~

~~Should the City Council find the final plan does not substantially comply with the preliminary plan, the applicant shall submit a revised preliminary plan as required in Section 26.60.040.~~

~~(b) Ninety percent of the development time schedule of the initial phase of development shall be completed prior to issuance of building permits for future phases, and phasing shall not be permitted out of the sequence as approved by the City Council. No building permit or certificates of occupancy or compliance shall be issued for construction of buildings in conflict with the approved development schedule or phasing requirements. The approved development schedule of the planned unit development may be extended for no more than two years by the City Council without a hearing before the Planning Commission.~~

~~(c) If an application for a planned unit development located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make application for a special permit to be approved by the City Council, as required by Resolution Nos. A 55150, A 56382, and A 57540. It shall be presumed that the applicant has received all such approval as may be required by the foregoing resolutions by virtue of the city granting approval to the planned unit development.~~

Section 10. That Section 27.60.060 of the Lincoln Municipal Code be amended to read as follows:

27.60.060 Planned Unit Development; Amendments.

~~After the City Council has approved a planned unit development, including the specific plot plan, the Planning Director is authorized to approve amendments in the planned unit development provided that:~~

~~(a) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan drawn to an accurate scale and showing all pertinent information;~~

~~(b) There is no increase in the number of structures authorized or in the number of dwelling units nor shall it provide for any increase in total floor area and storage space originally authorized by the City Council;~~

~~(c) No public land will be accepted as a result of amendment;~~

~~(d) The amendment shall not be contrary to the general purposes of this chapter as set forth in Section 27.60.010;~~

~~(e) Such amendment shall not violate any regulation set forth in this title;~~

~~(f) No reduction is to be made to the applicable setback or yard requirements;~~

~~(g) Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development.~~

After the City Council has approved a planned unit development, the Planning Director is authorized to approve amendments in the planned unit development provided that:

(a) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;

(b) Minor increases in the number of dwelling units or total floor area originally authorized by the City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the planned unit development and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;

(c) Amendments shall keep with the intent and spirit of the approved development plan;

(d) Amendments shall not violate any regulation set forth in this title;

(e) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the planned unit development;

(f) Minor internal changes to the applicable setback, yard, or height requirements may be made within the planned unit development if they conform to the intent of the approved development plan and do not adversely impact existing development within the planned unit development;

(g) Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development.

Section 11. That Section 27.60.070 of the Lincoln Municipal Code be and the same is hereby repealed.

27.60.070 Abandonment or Failure to Proceed—

~~(a) If the owner intends to abandon an approved planned unit development prior to commencement of construction thereunder, said owner shall so notify the Planning Director and the City Council in writing. Upon receipt of such notice of an intention of abandonment by the owner, the Planning Commission shall consider the impact and appropriateness of repealing the planned unit development designation and shall forward its recommendations thereon to the City Council which may, by ordinance, repeal the planned unit development designation, which~~

~~repeal shall have the effect of causing the area of the planned unit development to revert to the zoning district classification or classifications which existed immediately prior to the approval of the planned unit development. In the event that construction or other improvements have been commenced prior to receipt of the intention of abandonment, the City Council, upon a recommendation of the Planning Commission, shall attach such conditions to the repeal of the planned unit development designation as may be deemed necessary or appropriate to ensure that such construction or improvements are removed or, alternatively, are completed in such a manner as to be compatible with the uses permitted within the underlying zoning district or districts of the area.~~

~~(b) If building official finds at any time that the owner has failed to complete the planned unit development or any phase thereof within the time limits as specified in the approved plans, or in the absence of such time limits, within three years following the approval of a planned unit development, or if the owner has failed to substantially commence construction of the planned unit development within two years of the approval of the district and has not applied for and received an extension to the above time limits from the City Council, or has failed to comply with any of the terms, conditions, and requirements of the planned unit development approval, the Building Official shall request the Planning Director to set a date for a hearing before the Planning Commission, of which the owner shall be notified in writing, for the owner to show cause why the approval of the planned unit development should not be repealed or other appropriate action taken. If the Planning Commission determines that no good cause has been shown why the planned unit development approval should not be repealed or other appropriate action taken, it shall forward its recommendation to the City Council which may, after public hearing in accordance with the provisions of Section 27.81.050 of the Lincoln Municipal Code, repeal the ordinance which approved such planned unit development, or take such other action as may be deemed necessary to obtain compliance.~~

Section 12. That Chapter 27.60 of the Lincoln Municipal Code be amended by adding a new section numbered 27.60.080 to read as follows:

27.60.080 Previously Approved Planned Unit Developments.

For planned unit developments adopted prior to the effective date of this section, the original conditions of the planned unit development shall apply.

Any proposed amendments shall be in accordance with Section 27.60.060, except the Planning Director may not increase the total number of dwelling units or total floor area by administrative amendment for previously approved planned unit developments.

Section 13. That Sections 27.60.010, 27.60.020, 27.60.030, 27.60.040, and 27.60.060 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 14. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor